

REMARKS/ARGUMENTS

Claims 1, 2, 4-7, 11, 13, 17, 20-25, 27-30, 34, 36, 40 and 43-47 stand rejected, with claims 8-10, 14-16, 18, 19, 31-33, 37-39 and 41-42 objected to in the outstanding Official Action. Applicants have cancelled without prejudice claims 8 and 31 and amended claims 1, 9-11, 13, 14, 24, 32, 33 and 37. Accordingly, claims 1, 2, 4-7, 9-11, 13-25, 27-30, 32-34 and 36-47 are the only claims remaining in this application.

On page 11, sections 12 and 13 of the Official Action, claims 8-10, 14-16, 18, 19, 31-33, 37-39, 41 and 42 are indicated as containing allowable subject matter. Additionally, claims 17 and 40 are indicated as containing allowable subject matter if rewritten to overcome the §112 rejection. Claims 8 and 31 have been cancelled without prejudice and the subject matter thereof incorporated into independent claims 1 and 24. Accordingly, claims 1 and 24 are in condition for allowance as well as the claims dependent thereon, i.e., with respect to claim 1, claims 2, 4-7, 9, 10 and 23, and with respect to claim 24, claims 25, 27-30, 32-34, 36, 40 and 43-47.

Additionally, claims 11, 13 and 14 have been rewritten in independent form including all the limitations of claim 1 from which they previously depended, thereby placing these claims in condition for allowance as well as claims dependent thereon, i.e., claims 15-22. Similarly, claim 37 has been rewritten in independent form incorporating the limitations of claim 24 from which it previously depended and thus is in allowable form along with claims 38, 39, 41 and 42 dependent thereon.

Finally, claims 17 and 40 are dependent ultimately from amended independent claims 1 and 24 where the amendments to those claims now positively recite the limitation of “said monitor mode” previously missing from claims 17 and 40, thereby obviating any further §112 rejection.

The only remaining issue is the Examiner's objection to claim 47 as set out in the paragraph bridging pages 2 and 3 and in section 8 in the Official Action. The Examiner suggests that a "computer program product" claim cannot depend from a method claim 24. This objection is respectfully traversed and the Examiner's attention is directed to the decision of the Board of Patent Appeals and Interferences in *Ex parte Porter*, 25 USPQ2d 1144, 1147 (BOPAI 1992). In this published decision, the Board held that the drafting of claims "in a short-hand format to avoid rewriting the particulars" of an apparatus in a prior claim is a proper manner of dependent claims.

The Board also held that "we do regard a claim that incorporates by reference all of the subject matter of another claim, that is, the claim is not broader in any respect, to be in compliance with the fourth paragraph of §112." *Id.* As a result, claim 47 clearly further limits the claim from which it depends and there can be no objection by the Examiner with respect to claim 47 being in improper dependent form. Therefore any further objection thereto is respectfully traversed.

The Examiner also alleges in the first full paragraph on page 3 of the Official Action (also under section 8) that claim 47 as previously amended raises an issue regarding "new matter." The Examiner's attention is directed to the U.S. PTO policies with respect to computer program product claims indicating that a specification disclosing such a computer program product inherently discloses a computer readable storage medium upon which the computer program product is stored. Thus the addition of a positive recitation in the claims to such a "computer readable storage medium" is not new matter. Accordingly, any further objection to claim 47 is respectfully traversed.

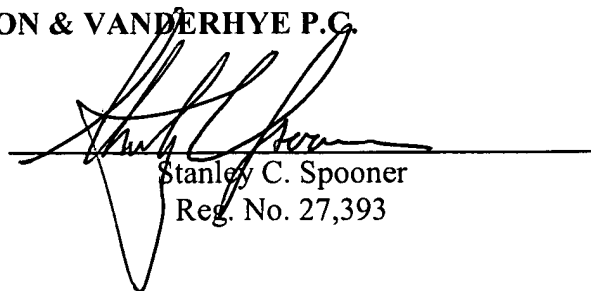
In view of the fact that all remaining claims either recite allowable subject matter or are dependent from claims reciting allowable subject matter as set out in the outstanding Official Action, all pending claims are believed to be in condition for allowance. The allowance of all pending claims obviates the need to respond to any prior art rejection of previously pending claims.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that the remaining claims are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

Respectfully submitted,

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